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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,399	01/14/2000	Michael L. Trompower	TELNP200US	8324

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
2683	11

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/483,399	Applicant(s) Micheal L Trompower	
	Examiner Naghmeh Mehrpour	Art Unit 2683	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
- Extensions of time may be available under the provisions of 37 CFR 1.138 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Feb 19, 2003</u>			
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-35</u> is/are pending in the application.			
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1-35</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		6) <input type="checkbox"/> Other: _____	

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withdrawal of final action after filing for appeal

1. In view of the applicant's argument filed on 2/19/03, PROSECUTION IS HEREBY REOPENED. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. **Claims 1-3, 7- 8, 12-13, 18-19, 21-28, 32-33, 35** are rejected under 35 U.S.C. 102(e) as being anticipated by Paatelma (US Patent Number 6,463,042 B1).

Regarding **claims 1-2, 12-13, 18-19, 21-28, 32-33, 35**, Paatelma inherently teaches a cellular communication unit/method (col 3 lines 60-56), including transmitter, a power control module coupled to the transmitter for transmitting first portion with first data rate, and second portion of data with second data rate (See col 2 lines 34-40). Paatelma does not specifically mention that the unit comprising: a processor coupled to the power control module and a receiver coupled to the processor wherein the processor provides the power control module and a receiver coupled to the processor. However Paatelma inherently teaches the power module and the processor that coupled to the receiver and the transmitter, in order to operate the system and transmits and receives data properly (col 4 lines 22-34).

Regarding **claim 3**, Paatelma teaches a method wherein the first data rate and the second data rate are adjusted so that the first portion and the second portion transmitted at the same rate (col 2 lines 51-54).

Regarding **claims 7-8**, Paatelma teaches a cellular communication network that Base Station communicate with mobile (abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 9,** is rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma (US Patent Number 6,463,042 B1).

Regarding **Claims 9**, Paatelma fails to teach a communicating system wherein the power control module includes: a transmission power amplifier adapted to receive the power data packet and dynamically control the transmission power of the first portion and the second portions. However a system/unit wherein the power control module includes a transmission power amplifier adapted to receive the power data packet and dynamically control the transmission power is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of to Paatelma, in order to provide a system with better quality and improved performance.

6. **Claims 4-5, 20, 34,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma (US Patent Number 6,463,042 B1) in view of Hassan (US Patent Number 6,301,231 B1).

Regarding **claims 4-5, 20, 34**, Paatelma teaches a cellular communication system (abstract). Paatelma fails to teach that the data packet includes a third portion and the power adjustment module is adapted to receive the data packet, and having the third portion and transmit the third portion at third rate. However Hassan teaches a communication network the data packet includes a third portion and the power adjustment module is adapted to receive the data packet (col 4 lines 25-34), having the third portion and transmit the third portion at third rate (col 2 lines 56-62).

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Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Hassan to Paatelma, in order to provide a more accurate system with better performance.

7. **Claim 29**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma et al.

(US Patent Number 6,463,042 B1) in view of Lee et al. (US Patent Number 5,636,140).

Regarding **claims 29**, Paatelma teaches a communication unit transmitting first portion of data with first transmission level and second portion of data with second transmission level (col 2 lines 35-41),

a processor coupled to the power adjustment module, the processor begins adapted to provide power adjustment information to the power control module, and a receiver coupled to the processor (see rejection of claim 23),

a receiver receives over RF link wherein the access point system is coupled to the network (col 2 lines 34-36),

a transmitter adapted to transmit data over RF link (col 4 lines 8-62).

Paatelma fails to teach that an access point system in a communication system utilizing an IEEE 802.11 standard comprising:

a power control module coupled to the transmitter, the power control module adapted to receive a data packet having a PLCP preamble and PLCP header portion and a data portion dynamically adjust the transmission power of the packet during transmission of the packet, such that the PLCP preamble portion begins. However Lee teaches a unit that transmits and receives a

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data packet having a PLCP preamble and PLCP header portion and a data portion dynamically adjust the transmission power of the packet during transmission of the packet, such that the PLCP preamble portion beings (see figure 1, col 1 lines 40-49). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Lee to Paatelma, in order to provide a flexible interface between a medium access control device and a wireless physical device.

8. **Claim 6**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma et al. (US Patent Number 6,301,231 B1) and Hassan (US Patent Number 6,301,231 B1) in view of Lee et al. (US Patent Number 5,636,140).

Regarding **claim 6**, the combination of Paatelma and Hassan fails to teach a system/unit wherein the data packet conforms to the IEEE 802.11 standard protocol and the first portion of the data is PLCP preamble, the second portion of the data packet is a PLCP header and the third portion of the data packet is a data portion. However Lee teaches system/unit wherein the data packet conforms to the IEEE 802.11 standard protocol and the first portion of the data is PLCP preamble, the second portion of the data packet is a PLCP header and the third portion of the data packet is a data portion (see figure 1, col 1 lines 40-49). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Lee to the combination of Paatelma and Hassan, in order to provide a flexible interface between a medium access control device and a wireless physical device.

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9. **Claims 10-11, 14-17, 30-31,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma et al. (US Patent Number 6,301,231 B1) and in view of Fischer et al. (US Patent Number 5,768,695).

Regarding claims 10-11, 14-15, Paatelma fails to teach a unit wherein the power control module includes a transmission power amplifier adapted to receive the data packet , control the transmission power of the PLCP preamble portion and the data portion, the transmission power amplifier coupled to a D/A converter a D/A converter adapted to receive power data information in digital format and convert the power data information to an analog control signal, the analog signal adapted to control the transmission power of the transmission power amplifier. However Fischer teaches a unit wherein the power control module 102 includes a transmission power amplifier 110 adapted to receive the data packet and control the transmission power of the PLCP preamble portion and the data portion, the transmission power amplifier coupled to a D/A converter 108 a D/A converter adapted to receive power data information in digital format and convert the power data information to an analog control signal, the analog signal adapted to control the transmission power of the transmission power amplifier (See figures 1, 2, col 3 lines 1-19, lines 29-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Fischer to Paatelma and lee, in order to provide a system that has a better performance with high signal qualities.

Regarding claim 16, Paatelma teaches a receiver coupled to the processor, the receiver being adapted to receive a transmission from other communication unit (col 4 lines 53-65).

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Regarding **claim 17**, Paatelma inherently teaches a cellular communication unit including transmitter, a power control module coupled to the transmitter for transmitting first portion with first data rate, and second portion of data with second data rate (col 2 lines 41-50). Paatelma does not specifically mention that the unit comprising: a processor coupled to the power control module and a receiver coupled to the processor wherein the processor provides the power control module and a receiver coupled to the processor. However, in order for Paatelma's system to operate properly, it is necessary to have a power module and processor that are coupled to the transmitter and receiver. Therefore, Paatelma inherently teaches the power module and the processor that coupled to the receiver and the transmitter (col 4 lines 22-34).

Regarding **Claims 30-31**, the combination of Paatelma and Lee teaches a unit wherein the power control module includes a transmission power amplifier adapted to receive the data packet, control the transmission power of the PLCP preamble portion and the data portion(see rejection for claim 29. The combination of Paatelma and Lee fails to teach that the transmission power amplifier coupled to a D/A converter a D/A converter adapted to receive power data information in digital format and convert the power data information to an analog control signal, the analog signal adapted to control the transmission power of the transmission power amplifier. However Fischer teaches a unit wherein the power control module 102 includes a transmission power amplifier 110 adapted to receive the data packet and control the transmission power of the PLCP preamble portion and the data portion, the transmission power amplifier coupled to a D/A converter 108 a D/A converter adapted to receive power data information in digital format and

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convert the power data information to an analog control signal, the analog signal adapted to control the transmission power of the transmission power amplifier (See figures 1, 2, col 3 lines 1-19, lines 29-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Fischer to the combination of Paatelma and Lee, in order to provide a system that has a better performance with high signal qualities.

Response to Arguments

10. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal
Drive, Arlington, Va., sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, William Trost (703)308-5318.

NM

April 30, 2003



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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